

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff

vs.

LINDSEY J. GARCIA,

Defendant.

8:21CR90

PLAINTIFF'S SENTENCING
MEMORANDUM

Plaintiff, United States of America, by and through the undersigned Assistant United States Attorney for the District of Nebraska, offers its sentencing memorandum in advance of the hearing scheduled for February 16, 2023, at 2:00 p.m.

A. Procedural History.

The Grand Jury returned an indictment naming Lindsey Garcia and five codefendants on March 19, 2021 (Filing No. 1). Her initial appearance and arraignment were held on May 11, 2021. The Grand Jury returned a superseding indictment on June 17, 2021. (Filing No. 86). The Court granted several motions to extend pretrial motions deadlines thereafter and entered a Trial Order on December 7, 2021 for trial to begin on January 3, 2022. (Filing No. 133). Thereafter, the Court granted several defendants' motions to continue trial. On February 10, 2022, the Court set a change of plea hearing for the defendant to take place on February 16, 2022 (Text Order No. 138). Defendant plead guilty to Counts I and II of the Superseding Indictment pursuant to a plea agreement on February 16, 2022.

B. Plaintiff's Argument on Sentence.

In Plaintiff's view, the defendant is situated in the lower-middle tier in the chain of distribution. Defendant was not producing the controlled substances but performed a critical function for the organization by re-shipping them to users throughout the country. Her role was notably more passive than defendants who were engaged in direct sales to customers or who produced the controlled substances. Nonetheless, she was knowledgeable about the source(s) of the controlled substances and took active steps to conceal the scheme.

C. Conclusion.

In the hierarchy of defendants involved in this distribution scheme, the defendant is in the middle tier and should be sentenced accordingly. Plaintiff will seek a Guidelines sentence at the sentencing hearing on February 16, 2023.

UNITED STATES OF AMERICA

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and by e-mail to: Desirae M. Solomon, Counsel for Defendant. I further certify that a copy of the same has been served by e-mail to the following non-CM/ECF participants:

Annalee M. Thomas
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s/ Christopher L. Ferretti
Assistant U.S. Attorney